

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE:</b>	)	<b>CHAPTER 11</b>
	)	
<b>RICHARD DOUGLAS CULLINAN,</b>	)	<b>CASE NO: 22-51326-WLH</b>
	)	
<b>Debtor.</b>	)	
	)	

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that **RICHARD DOUGLAS CULLINAN** (“**Debtor**”) has filed a *Motion for Entry of Order Approving Disbursement of Certain Sales Proceeds* (the “**Motion**”) and related papers with the Court.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold an initial telephonic hearing for announcements on the Motion at the following **number: 833-568-8864; meeting id: 161 202 1574 at 1:30 P.M. on June 30, 2022 in Courtroom 1403, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303.**

Matters that need to be heard further by the Court may be heard by telephone, by video conference, or in person, either on the date set forth above or on some other day, all as determined by the Court in connection with this initial telephonic hearing. Please review the “Hearing Information” tab on the judge’s webpage, which can be found under the “Dial-in and Virtual Bankruptcy Hearing Information” link at the top of the webpage for this Court, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov) for more information.

Your rights may be affected by the Court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in the bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk’s Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, S.W., Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: June 2, 2022

/s/ Will Geer  
Will Geer, Ga. Bar No. 940493  
Geer Law Group, LLC  
50 Hurt Plaza, SE, Suite 1150

Atlanta, Georgia 30303  
T: 678-587-8740  
[wgeer@geerlawgroup.com](mailto:wgeer@geerlawgroup.com)  
*Attorneys for Debtor*

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE:</b>	)	<b>CHAPTER 11</b>
	)	
<b>RICHARD DOUGLAS CULLINAN,</b>	)	<b>CASE NO: 22-51326-WLH</b>
	)	
<b>Debtor.</b>	)	
	)	

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**MOTION FOR ENTRY OF ORDER  
APPROVING DISBURSEMENT OF CERTAIN SALES PROCEEDS**

COMES NOW Richard D. Cullinan (the “Debtor” or “Mr. Cullinan”), by his undersigned counsel, and respectfully moves the Court for entry of an order approving disbursement of certain Sales Proceeds from the sale of the property located at 305 Cannady Court, Sandy Springs, Georgia 30350 (the “Property”) and granting certain related relief. In support thereof, Debtor states as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory basis for the relief requested herein are Sections 105, 305(a), 349, 363 and 1112(b) of the Bankruptcy Code (“Code”) and Bankruptcy Rules (“Rules”) 1017, 2002(a)(4) and 9013.

**INTRODUCTION**

3. Debtor filed his Chapter 11 cases (the “Case”) on February 17, 2022 (the “Petition Date”). Debtor is a married individual.

4. The Debtor sold the Property (which was Debtor's principal residence) on May 27, 2022 pursuant to the Sale Order [Docket No. 49] entered by this Court. Debtor filed a Report of Sale regarding the Property on June 2, 2022 [Docket No. 55]. A copy of the Seller's Settlement Statement (the "**Settlement Statement**") is attached to the Report of Sale. A copy of the Settlement Statement is also attached to this Motion as Exhibit "A". As disclosed on the Settlement Statement, Debtor's counsel was wired \$704,787.88 at the closing of the sale after the \$41,836.60 security deed held by Coastal States Bank ("**CSB**") was paid in full and certain other closing expenses were paid.

5. The Sale Order provides that Debtor's counsel shall hold the amount in dispute over CSB's cancelled lien in its escrow account pending further order of this Court and promptly file a motion to disburse the remaining Sales Proceeds to the appropriate parties. After deducting the disputed \$377,657.13 representing CSB's asserted first priority lien on the Property from the \$704,787.88 of remaining Sales Proceeds, Debtor is seeking to disburse \$327,130.75 of Sales Proceeds as follows:

Party	Amount
Fifth Third Bank (Judgment Lien Holder)	\$142,065.38
Richard Cullinan (Debtor)	\$21,500.00
Christina Cullinan (Joint Owner/Spouse)	\$163,565.37

### **RELIEF REQUESTED AND BASIS FOR REQUESTED RELIEF**

#### **Disbursement of Remaining Sale Proceeds**

6. Debtor seeks Court authority to disburse the remaining Sales Proceeds as stated in paragraph 5 in accordance with 11 U.S.C. §§ 363, and 105. The Court previously entered an order

[Docket No. 50] avoiding Fifth Third Bank's judgment lien to the extent it impaired Debtor's homestead exemption of \$21,500.00. Christina Cullinan was the joint owner of the Property with the Debtor and is entitled to half the Sales Proceeds as a result of her ownership interest in the Property. Fifth Third is entitled to half the Sales Proceeds minus the amount of Debtor's homestead exemption of \$21,500.00, totaling \$142,065.38 (\$163,565.37 - \$21,500.00 + \$0.01 rounding error in favor of Fifth Third).

**CONCLUSION**

**WHEREFORE**, Debtor respectfully request that the Court: (i) enter an order, approving distribution of Debtor's Sales Proceeds as requested herein and (ii) granting any such other and further relief as this Honorable Court deems just and proper.

Respectfully submitted this 2<sup>nd</sup> day of June, 2022.

**By:** */s/ Will Geer*  
GEER LAW GROUP, LLC  
Will B. Geer  
Georgia State Bar No. 940493  
50 Hurt Plaza, SE, Suite 1150  
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T: (678) 587-8740  
[wgeer@geerlawgroup.com](mailto:wgeer@geerlawgroup.com)

## Seller's Settlement Statement



CAMPBELL & BRANNON  
ATTORNEYS AT LAW

**Settlement Date:** 05/27/2022  
**Disbursement Date:** 05/27/2022  
**Settlement Location:** 5565 Glenridge Connector, Suite 350, Atlanta, GA 30342  
**File Number:** HG220848DM  
**Lender:**  
**Loan Type:** None  
**Buyer:** Royce B. Ridgeway  
606 Verney Dr  
Marietta, GA 30066  
**Seller:** Richard D. Cullinan and Christina M. Cullinan  
3590 Valverde Circle  
Jacksonville, FL 32224  
**Property location:** 305 Cannady Court  
Sandy Springs, GA 30350  
**Tax Parcel No:**

	Seller	
	Debit	Credit
<b>Financial Consideration</b>		
Sale Price of Property		797,500.00
<b>Prorations/Adjustments</b>		
Prorated HOA Dues \$785/yr 05/27/22 - 12/31/22		471.00
County Taxes (\$8216.31) 01/01/22 - 05/27/22		3,286.52
<b>Commissions</b>		
Commission- Buyer's Broker to Atlanta Fine Homes Sotheby's International Realty		23,925.00
Commission- Seller's Broker to Harry Norman Realtors		23,925.00
<b>Title &amp; Settlement Charges</b>		
Title - Proceeds Handling Fee to Campbell & Brannon, LLC		35.00
Title - Split Closing Fee to Campbell & Brannon, LLC		150.00
Title - Water Lien Search- City of Atlanta/CB to Campbell & Brannon, LLC		25.00
<b>Payoffs</b>		
Payoff of First Mortgage Loan to Coastal State Bank		41,836.60
<b>Miscellaneous Debits/Credits</b>		
funds to to Geer Law Group, LLC		704,787.88
<b>Subtotals</b>	<b>797,971.00</b>	<b>797,971.00</b>

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:  
RICHARD D CULLINAN

CASE NO: 22-51326-wlh  
**DECLARATION OF MAILING  
CERTIFICATE OF SERVICE**  
Chapter: 11

On 6/2/2022, I did cause a copy of the following documents, described below,  
Motion for Entry of Order Approving Disbursement of Certain Sales Proceeds

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 6/2/2022

/s/ Will Geer  
Will Geer 940493  
Attorney for Debtor  
Geer Law Group, LLC  
50 Hurt Plaza SE Suite 1150  
Atlanta, GA 30303  
678 587 8740  
wgeer@geerlawgroup.com

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:  
RICHARD D CULLINAN

CASE NO: 22-51326-wlh

**CERTIFICATE OF SERVICE  
DECLARATION OF MAILING**

Chapter: 11

On 6/2/2022, a copy of the following documents, described below,  
Motion for Entry of Order Approving Disbursement of Certain Sales Proceeds

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 6/2/2022



Jay S. Jump  
BK Attorney Services, LLC  
d/b/a certificateofservice.com, for  
Will Geer  
Geer Law Group, LLC  
50 Hurt Plaza SE Suite 1150  
Atlanta, GA 30303

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING  
113E1  
CASE 22-51326-WLH  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA  
THU JUN 2 14-06-36 EDT 2022

ALLY BANK  
AIS PORTFOLIO SERVICES LP  
4515 N SANTA FE AVE DEPT APS  
OKLAHOMA CITY OK 73118-7901

APPLE PIE CAPITAL AS SERVICER FOR  
STONERIDGE  
PMB 54105  
548 MARKET STREET  
SAN FRANCISCO CA 94104-5401

ATLANTIC CAPITAL BANK CO AUBREY  
THRASHER  
1170 PEACHTREE STREE NE  
SUITE 1925  
ATLANTA GA 30309-7677

AUBREY THRASHER LLC  
12 POWDER SPRINGS STREET  
SUITE 240  
MARIETTA GA 30064-7205

RON C BINGHAM II  
ADAMS AND REESE LLP  
SUITE 1600  
3424 PEACHTREE ROAD NE  
ATLANTA GA 30326-1139

ROBIN BLASS  
HARRY NORMAN REALTORS  
4848 ASHFORD DUNWOODY ROAD  
ATLANTA GA 30338-4829

CREDIBILITY CAPITAL INC  
625 BROAD ST  
NEWARK NJ 07102-4417

WADE KYLE CANNON  
GEARHISER PETERS ELLIOTT CANNON PLLC  
320 MCCALLIE AVENUE  
CHATTANOOGA TN 37402-2007

LISA F CAPLAN  
RUBIN LUBLIN LLC  
SUITE 100  
3145 AVALON RIDGE PLACE  
PEACHTREE CORNERS GA 30071-1570

BRET J CHANESS  
RUBIN LUBLIN LLC  
SUITE 100  
3145 AVALON RIDGE PLACE  
PEACHTREE CORNERS GA 30071-1570

COASTAL STATES BANK  
CO COASTAL STATES BANK  
1 CORPORATE DRIVE STE 360  
LAKE ZURICH IL 60047-8945

COASTAL STATES BANK  
CO COASTAL STATES BANK  
5 BOW CIRCLE  
HILTON HEAD ISLAND SC 29928-7345

COASTAL STATES BANK  
CO CORPORATION SERVICE COMPANY  
2 SUN COURT SUITE 400  
NORCROSS GA 30092-2865

COLUMBIA PROPERTIES  
1355 TERRELL MILL ROAD  
BLDG 1478 STE 200  
MARIETTA GA 30067-9483

DEBTOR

RICHARD DOUGLAS CULLINAN  
305 CANNADY COURT  
ATLANTA GA 30350-5622

EASTERN FUNDING  
175 BROADHOLLOW ROAD  
STE 120  
MELVILLE NY 11747-4910

FIFTH THIRD BANK  
PO BOX 598  
AMELIA OH 45102-0598

FIFTH THIRD BANK NA  
PO BOX 9013  
ADDISON TEXAS 75001-9013

FIFTH THIRD BANK CO BURR FORMAN  
171 17TH STREET NW  
SUITE 1100  
ATLANTA GA 30363-1029

FIFTH THIRD BANK INC  
PO BOX 34111  
MEMPHIS TN 38184-0111

EXCLUDE

WILL B GEER  
GEER LAW GROUP LLC  
SUITE 1150  
50 HURT PLAZA SE  
ATLANTA GA 30303-2959

GEORGIA DEPARTMENT OF REVENUE  
COMPLIANCE DIVISION  
ARCS BANKRUPTCY  
1800 CENTURY BLVD NE SUITE 9100  
ATLANTA GA 30345-3202

ALAN HINDERLEIDER  
DOJUST  
362 RICHARD B RUSSELL FEDERAL BUILDING  
75 TED TURNER DRIVE SW  
ATLANTA GA 30303-3315

INTERNAL REVENUE SERVICE  
P O BOX 7346  
PHILADELPHIA PA 19101-7346

INTERNAL REVENUE SERVICE  
CIO  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

KABBAGE  
925 PEACHTREE STREET STE 1688  
ATLANTA GA 30309-3918

KAPITUS  
2500 WILSON BLVD  
SUITE 350  
ARLINGTON VA 22201-3873

FUNDING METRICS LLC  
ATTN PAULETTE YIAMBILIS ESQ  
FUNDING METRICS LLC  
3220 TILLMAN DRIVE SUITE 200  
BENSALEM PA 19020-2028

BRIAN J LEVY  
BURR FORMAN LLP  
SUITE 1100  
171 SEVENTEENTH STREET NW  
ATLANTA GA 30363-1029

LIBERTAS FUNDING LLC  
65 W 36TH STREET  
5TH FLOOR  
NEW YORK NY 10018-7946

CAMERON M MCCORD (SUB V TRUSTEE)  
CHAPTER 11 SUBCHAPTER V TRUSTEE  
JONES WALDEN LLC  
699 PIEDMONT AVE NE  
ATLANTA GA 30308-1400

MERTON WALK LLC  
3665 CLAIRMONT ROAD  
SUITE F  
ATLANTA GA 30341-4947

PREF METROPOLIS LLC  
PO BOX 6524  
PASADENA CA 91109-6501

PAULA MARCHMAN  
800 BRANDYWINE COURT  
SAINT AUGUSTINE FL 32086-4307

SH FLEMINGTON LLC  
CO COLLIER  
PO BOX 78407  
ATLANTA GA 30357-2407

SECRETARY OF THE TREASURY  
15TH PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20200

SIMPLY BANK  
CO CAPITOL CORPORATE SERVICES INC  
3675 CRESTWOOD PARKWAY NW SUITE 350  
DULUTH GA 30096-5054

SIMPLYBANK  
CO WADE K CANNON ESQ  
320 MCCALLIE AVENUE  
CHATTANOOGA TN 37402-2007

SUN LIFE ASSURANCE COMPANY OF CANADA  
KITCHENS KELLEY GAYNES PC  
5555 GLENRIDGE CONNECTOR SUITE 800  
ATLANTA GA 30342-4728

SUNLIFE ASSURANCE CO  
CO KITCHENS KELLY GAYNES PC  
5555 GLENRODGE CONNECTOR STE 800  
ATLANTA GA 30342-4728

SUNTRUST BANK  
303 PEACHTREE STREET  
ATLANTA GA 30308-3245

TRUIST BANK  
ATTN SUPPORT SERVICES  
PO BOX 85092  
RICHMOND VA 23286-0001

TRUIST BANK FKA SUNTRUST BANK  
CO RON C BINGHAM II ESQ  
ADAMS AND REESE LLP  
3424 PEACHTREE ROAD NE SUITE 1600  
ATLANTA GEORGIA 30326-1139

TRUIST BANK INC  
CO CORPORATION SERVICE COMPANY  
2 SUN COURT SUITE 400  
NORCROSS GA 30092-2865

TUCKER MERIDIAN LLC  
19241 BIRMINGHAM HWY  
ALPHARETTA GA 30004-7085

U S SECURITIES AND EXCHANGE COMMISSION  
OFFICE OF REORGANIZATION  
SUITE 900  
950 EAST PACES FERRY ROAD NE  
ATLANTA GA 30326-1382

UNITED STATES ATTORNEY  
NORTHERN DISTRICT OF GEORGIA  
75 TED TURNER DRIVE SW SUITE 600  
ATLANTA GA 30303-3309

UNITED STATES TRUSTEE  
362 RICHARD RUSSELL FEDERAL BUILDING  
75 TED TURNER DRIVE SW  
ATLANTA GA 30303-3315

VAN WAGNER COMMUNICATIONS  
CO SZABO ASSOCIATE  
3355 LENOX ROAD NE STE 945  
ATLANTA GA 30326-1357

(U.S. Trustee)  
United States Trustee  
362 Richard Russell Federal Building  
75 Ted Turner Drive, SW  
Atlanta, GA 30303  
represented by:  
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DOJ-UST  
362 Richard B Russell Federal Building  
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Atlanta, GA 30303

Alan.Hinderleider@usdoj.gov

(Creditor)  
Truist Bank f/k/a SunTrust Bank  
represented by:  
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Adams and Reese, LLP  
Suite 1600  
3424 Peachtree Road, NE  
Atlanta, GA 30326  
ron.bingham@arlaw.com

(Creditor)  
SimplyBank.  
represented by:  
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Gearhiser, Peters, Elliott & Cannon  
PLLC  
320 McCallie Avenue  
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(Trustee)  
Cameron M. McCord (Sub V Trustee)  
Chapter 11 Subchapter V Trustee  
Jones & Walden LLC  
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Atlanta, GA 30308

cmccord@joneswalden.com

(Creditor)  
Fifth Third Bank, National Association  
c/o Burr and Forman LLP  
171 17th Street, NW, Suite 1100  
Atlanta, GA 30363  
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Burr & Forman LLP  
Suite 1100  
171 Seventeenth Street, NW  
Atlanta, GA 30363

(Debtor)  
Richard Douglas Cullinan  
305 Cannady Court  
Atlanta, GA 30350  
represented by:  
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CoastalStates Bank  
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Rubin Lublin, LLC  
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Atlanta, GA 30338  
(Broker)

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Oklahoma City, OK 73118